REMARKS

Claims 1-47 were originally submitted.

Claim 10 is canceled without prejudice.

Claim 12 is currently amended.

Claims 1-9, 11-47 remain in this application.

Response To Applicants' Previous Arguments

As to an "operating system", the Office has considered the arguments of the Applicants filed 09/10/04 and found them to be persuasive. In particular, as discussed in a phone conversation between Examiner Pesin and Emmanuel Rivera on 05/10/05, Ahead Software's Nero program (Nero) does not teach or suggest the use of an operating system, Nero being directed to an application program.

Rejections that were presented in the earlier Office Action of 03/12/04 are presented in this Office Action. Applicants maintain their arguments in response to those rejections.

35 U.S.C. §102

Claims 33, 41, 43 and 45 are rejected under 35 U.S.C. §102(e) as being anticipated by Ahead Software's Nero program (Nero). Applicants respectfully traverse the rejection of the claims.

Claim 33 depends from claim 27, and therefore includes the element "an operating system that interacts with a user to manage computer resources" as recited in base claim 27.

The Office admits that Nero does not teach an operating system. To support the rejection of claim 33 under §102(e), Nero would have to show every

element, configured as recited in the claim. Claim 33 recites features of an operating system, and Nero does not. Nero does not show every element of claim 33, and the rejection of claim 33 is therefore improper. Accordingly, Applicants respectfully request that the §102 rejection of claim 33 be withdrawn.

Amended independent claim 41 recites in part "[a]n operating system embodied on one or more computer readable media, the operating system performing actions comprising: saving resources managed by the operating system in response to requests from application programs".

The preamble of claim 41 recites an "operating system". The operating system is further recited as an element in claim 41 that manages resources. Nero does not teach an operating system. Therefore, Nero does not show every element of claim 41. Accordingly, Applicants respectfully request that the §102 rejection of claim 41 be withdrawn.

Dependent claims 43 and 45 are allowable based at the least on their dependency on claim 41. Applicants respectfully request that the §102 rejection of claims 43 and 45 be withdrawn.

35 U.S.C. §103(a)

Claims 17, 19, 20, 21, 22, 23, 25, 27, 29, 30 and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nero, in view of U.S. Patent 5,113,517 to Beard et al (Beard). Applicants respectfully traverse the rejection of the claims.

Independent claim 17 recites in part "[a] graphical user interface for a computer, comprising: an operating system that interacts with a user to manage computer resources; the operating system having a resource browser that is responsive to user input to explore resource areas containing different types of

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resources and to display icons that represent the resources, at least some of the resources being physically moveable to and from the resource areas by moving their corresponding icons".

As admitted by the Office, Nero fails to teach "an operating system that interacts with a user to manage computer resources". The Office relies on Beard as teaching such an operating system and particularly pointing to Fig. 4 of Beard.

Beard teaches a user interface that is represented on a display screen in the form of metaphoric objects, called icons, with which the user can interact by changing the input focus to a designated object by visually pointing to it via an input means which permits manipulation of the designated object of interaction with data input/output relative to the designated object (see Abstract of Beard). Fig. 4 of Beard illustrates a desktop that includes the various icons; however, Fig. 4 does not show an operating system that manages computer resources. Furthermore, there is no specific teaching or suggestion in Beard fails as to an operating system that is able to manage computer resources.

The Examiner seemingly relies on personal knowledge without pointing to any specific teaching or suggestion as to "an operating system" and relies on features of a desktop of Fig. 4 of Beard as teaching an operating system that is able to manage computer resources. According to 37 CFR §1.104(d)(2), "[w]hen a rejection in an application is based on facts within the personal knowledge of an employee of the office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons." If this rejection is maintained on a similar basis in a subsequent action, the applicant respectfully requests the

Examiner to supply such an affidavit to support this modification of Beard. Otherwise, and without additional support, it is respectfully submitted the Examiner's conclusion does not represent the conclusion of a person of ordinary skill at the time of invention.

Accordingly, Applicants respectfully request that the §103 rejection of claim 17 be withdrawn.

Dependent claims 19, 20, 21, 22, 23, and 25 are allowable based at the least on their dependency on claim 17. Applicants respectfully request that the §103 rejection of claims 19, 20, 21, 22, 23, and 25 be withdrawn.

Independent claim 27 recites in part "[a] graphical user interface for a computer, comprising: an operating system that interacts with a user to manage computer resources".

As discussed above in support of claim 17, Beard fails to teach or suggest an operating system that is able to manage computer resources. Accordingly, Applicants respectfully request that the §103 rejection of claim 27 be withdrawn.

Dependent claims 29, 30 and 31 are allowable based at the least on their dependency on claim 27. Applicants respectfully request that the §103 rejection of claims 27, 29, 30 and 31 be withdrawn.

Claims 1, 2, 3, 4, 5, 6, 7, 8, 12, 13, 15, 16, 35, 36, 37, 38, 40 and 42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nero, in view of U.S. Patent 5,946,277 to Kuroda et al (Kuroda). Applicants respectfully traverse the rejection of the claims.

Independent claim 1 recites in part "[o]ne or more computer readable media containing one or more operating system programs, said one or more

programs comprising computer-readable instructions for performing a process comprising: interacting with a user to manage computer resources, including graphically browsing different computer resource areas that contain resources managed by the operating system".

Claim 1 recites elements of "operating system programs" and is thus allowable for the reasons already discussed with regard to claim 41.

Kuroda is cited as teaching "include the ability to hold off on recording data until the eject button is pressed with the motivation to reduce the speed of the total recording time because the data would only be recorded once and not several times". However, Kuroda does not teach elements of an operating system. Accordingly, neither of the two cited references suggest including the recited features as elements of an operating system. Therefore, Applicants respectfully request that the §103 rejection of claim 1 be withdrawn.

Dependent claims 2, 3, 4, 5, 6, 7, and 8 are allowable at the least by virtue of their dependency on base claim 1. Applicants respectfully request that the §103 rejection of claims 2, 3, 4, 5, 6, 7, and 8 be withdrawn.

Amended independent claim 12 recites in part "managing a plurality of computer resources by an operating system". Claim 12 recites elements of "an operating system" that manages a "plurality of computer resources" and is thus allowable for the reasons already discussed with regard to claim 41.

Kuroda is cited as teaching "when the ejection operation to eject the recording disk to the outside is performed, the file management data pieces recorded on the recording device are unified, then recorded on a predetermined area of the recording disk." However, Kuroda provides no suggestion of an operating system that manages computer resources. Therefore, the combination of

these two references, even combined, fail to suggest an operating system that manages computer resources. Applicants respectfully request that the §103 rejection of claim 12 be withdrawn.

Dependent claims 13, 15 and 16 are allowable at the least by virtue of their dependency on base claim 1. Applicants respectfully request that the §103 rejection of claims 13, 15 and 16 be withdrawn.

Independent claim 35 recites in part "One or more computer readable media containing an operating system program, the operating system program comprising: accepting designations of different resources managed by the operating system by a user for staging prior to writing to a removable storage medium."

Claim 35 is thus allowable for the reasons already discussed with regard to claim 41. In particular, claim 35 recites elements of an "operating system" that manages different resources.

Kuroda is cited as teaching "when the ejection operation to eject the recording disk to the outside is performed, the file management data pieces recorded on a predetermined area of the recording disk". However, Kuroda again does not teach elements of an operating system. Accordingly, neither of the two cited references suggest including the recited features as elements of an operating system. Therefore, Applicants respectfully request that the §103 rejection of claim 35 be withdrawn.

Dependent claims 36, 37, 38 and 40 are allowable at the least by virtue of their dependency on base claim 1. Applicants respectfully request that the §103 rejection of claims 36, 37, 38 and 40 be withdrawn.

Dependent claim 42 depends from claim 41, and as such claims the element "[a]n operating system embodied on one or more computer readable media, the operating system performing actions comprising: saving resources managed by the operating system in response to requests from application programs" as recited in base claim 41. Claim 42 further recites "saving resources in response to requests from application programs; in response to receiving a request from an application program to save a resource on a staged-write storage medium, noting that resource as being staged without writing the resource".

As discussed above, Nero describes an application program. Nero does not teach or suggest that as a stand-alone application program it is capable of saving resources in response from request from other application programs.

The ejection operation of Kuroda provides no assistance in light of Nero as to the recited operating system of claim 42.

Applicants respectfully request that the §103 rejection of claim 42 be withdrawn.

Claims 18 and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nero in view of Beard, and in further view of Kuroda. Applicants respectfully traverse the rejection of claims 18 and 28.

Dependent claim 18 depends from claim 17 and benefits from the benefits from the arguments in support of claim 17 as to Nero and Beard. In particular, claim 18 benefits from arguments directed to the failure of Nero and Beard to teach or suggest an operating system that is able to manage computer resources.

Kuroda is cited as teaching "when the ejection operation to eject the recording disk to the outside is performed, the file management data pieces

recorded on a predetermined area of the recording disk". However, Kuroda again does not teach elements of an operating system. Therefore, Applicants respectfully request that the §103 rejection of claim 18 be withdrawn.

Dependent claim 28 depends from claim 27 and benefits from the benefits from the arguments in support of claim 27 as to Nero and Beard. In particular, claim 28 benefits from arguments directed to the failure of Nero and Beard to teach or suggest an operating system that interacts with a user to manage computer resources.

Kuroda is cited as teaching "when the ejection operation to eject the recording disk to the outside is performed, the file management data pieces recorded on a predetermined area of the recording disk". However, Kuroda again does not teach elements of an operating system. Therefore, Applicants respectfully request that the §103 rejection of claim 28 be withdrawn.

Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nero and Kuroda, in view of U.S. Patent 6,499,095 to Sexton et al (Sexton). Applicants respectfully traverse the rejection of claim 9.

Dependent claim 9 depends from claim 1 and benefits from the arguments in support of claim 1 as to Nero and Kuroda. In particular, claim 9 benefits from arguments directed to the failure of Nero and Kuroda to teach or suggest "operating system programs" and "resources managed by the operating system".

Sexton is cited as teaching "a numeric reference employs a machine-independent format for encoding references between objects that is suitable for both run-time use in virtual machines and storage use in secondary storage". However, Sexton does not teach elements of an operating system. Accordingly,

none of the three cited references suggest including the recited features as elements of an operating system. Therefore, Applicants respectfully request that the §103 rejection of claim 9 be withdrawn.

Claims 11 and 39 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nero and Kuroda, in view of U.S. Patent 5,946,277 to Stewart (Stewart). Applicants respectfully traverse the rejection of claims 11 and 39.

Dependent claim 11 depends from claim 1 and benefits from the arguments in support of claim 1 as to Nero and Kuroda.

The combination of Nero, Kuroda, and Stewart fail to teach or suggest the graphical user interface of claim 11. In particular, claim 11 benefits from arguments directed to the failure of Nero and Kuroda to teach or suggest "operating system programs" and "resources managed by the operating system".

Stewart is cited for its teaching of a "locking mechanism with the motivation to provide the user with protection of writing over an undesired file". Stewart does not teach elements of an operating system. Accordingly, none of the three cited references suggest including the recited features as elements of an operating system. Therefore, Applicants respectfully request that the §103 rejection of claim 11 be withdrawn.

Applicants respectfully request that the §103 rejection of claim 11 be withdrawn.

Dependent claim 39 depends from claim 35 and benefits from the arguments in support of claim 35 as to Nero and Kuroda. In particular, claim 39 benefits from arguments directed to the failure of Nero and Kuroda to teach "different resources managed by the operating system".

Stewart is cited as teaching "to produce the shared files using some conventional operating systems, including a filename or other identifier with which to name the file. The operating system may create the file and open it. Additionally, the operating system may lock the file in response to such a command in order to prohibit use of the file by other processes while the file is being written. The writer may receive from some conventional operating systems a pointer or other identifier of the file in response to the open for write command." The Office has not presented that an unchanged copy of the staged resource is written in place of the changed stage resource. What is described in Stewart is a pointer to a locked file. Stewart provides no assistance in light of Nero and Kuroda as to the recited computer readable media of claim 39.

Applicants respectfully request that the §103 rejection of claim 39 be withdrawn.

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nero and Kuroda, in view of U.S Patent 6,678,764 to Paravelescu et al (Paravelescu). Applicants respectfully traverse the rejection of claim 14.

Dependent claim 14 depends from claim 12 and benefits from the arguments in support of claim 12 as to Nero and Kuroda. In particular, claim 14 benefits from arguments directed to the failure of Nero and Kuroda to teach or suggest "an operating system" that manages a "plurality of computer resources".

Paravelescu is cited as teaching "if media is not present, a beep or other warning and prompt to the user to insert media is issued". However, Paravelescu provides no suggestion as to an operating system. Therefore, the combination of

these three references, even combined, fail to suggest this characteristic. Applicants respectfully request that the §103 rejection of claim 14 be withdrawn.

Claims 24 and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nero in view of Sexton. Applicants respectfully traverse the rejection of claims 24 and 32.

Dependent claim 24 depends from claim 17, and benefits from the arguments in support of claim 17 as to Nero. In particular, claim 24 benefits from arguments directed to the failure of Nero to teach or suggest "an operating system that interacts with a user to manage computer resources".

Sexton is cited as teaching "a numeric reference employs a machine-independent format for encoding references between objects that is suitable for both run-time use in virtual machines and storage use in secondary storage". However, Sexton does not teach elements of "a stored resource display area and a staged resource display area". Therefore, the combination of these two references, even combined, fail to suggest this characteristic. Applicants respectfully request that the §103 rejection of claim 24 be withdrawn.

Dependent claim 32 depends from claim 27 and benefits from the arguments in support of claim 27 as to Nero. In particular, claim 32 benefits from arguments directed to the failure of Nero to teach or suggest "an operating system that interacts with a user to manage computer resources".

Sexton is cited as teaching "a numeric reference employs a machine-independent format for encoding references between objects that is suitable for both run-time use in virtual machines and storage use in secondary storage". However, Sexton does not teach elements of "display icons of stored resources that

are already stored in the staged-write resource area and icons of staged resources". Therefore, the combination of these two references, even combined, fail to suggest this characteristic. Applicants respectfully request that the §103 rejection of claim 32 be withdrawn.

Claims 26 and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nero, in view of Beard, and in further view of Stewart. Applicants respectfully traverse the rejection of claims 26 and 34.

Dependent claim 26 depends from claim 17 and benefits from the arguments in support of claim 17 as to Nero and Beard. In particular, claim 26 benefits from arguments directed to the failure of Nero and Beard to teach or suggest "an operating system that interacts with a user to manage computer resources".

Stewart is cited as teaching "to produce the shared file using some conventional operating systems, the write sends an 'open for write' commence to the operating system, including a filename or other identifier with which to name the file. The operating system may create the file and open it. Additionally, the operating system may lock the file in response to such a command in order to prohibit use of the file by other processes while the file is being written. The writer may receive from some conventional operating systems a pointer or other identifier of the file in response to the open for write command". However, Stewart does not teach elements of "a stored resource display area and a staged resource display area". Therefore, the combination of these two references, even combined, fail to suggest this characteristic. Applicants respectfully request that the §103 rejection of claim 26 be withdrawn.

Dependent claim 34 depends from claim 27 and benefits from the arguments in support of claim 27 as to Nero and Beard. In particular, claim 26 benefits from arguments directed to the failure of Nero and Beard to teach or suggest "an operating system that interacts with a user to manage computer resources".

Stewart is cited for the same teaching as used in rejecting claim 24. However, Stewart provides no suggestion of an operating system that interacts with a user to manage computer resources. Therefore, the combination of these references, even combined, fail to suggest this characteristic. Applicants respectfully request that the §103 rejection of claim 34 be withdrawn.

Claim 44 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nero in view of Stewart. Applicants respectfully traverse the rejection of claim 44.

Dependent claim 44 depends from claim 41 and benefits from the arguments in support of claim 41 as to Nero. In particular, claim 44 benefits from arguments directed to the failure of Nero to teach or suggest "saving resources managed by the operating system in response to requests from application programs".

Stewart is cited for the same teaching as used in rejecting claim 24. However, Stewart provides no suggestion of an operating system that is able to save responses in response from requests from application programs. Applicants respectfully request that the §103 rejection of claim 44 be withdrawn.

Claims 46 and 47 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nero, in view of Sexton, in further view of Stewart, and in further view of Kuroda. Applicants respectfully traverse the rejection of claims 46 and 47.

Independent claim 46 in part recites "accepting designations of different resources managed by the operating system for staging prior to writing to a removable storage medium".

As discussed above, Nero does not teach or suggest an operating system that manages different resources. Furthermore, Sexton, Stewart, and Kuroda do not teach or suggest such an operating system.

Sexton is cited as teaching "storing corresponding references to the designated resources". Stewart is cited as teaching "for any designated resource that is changed prior to writing, creating an unchanged copy of the staged resource and changing the corresponding reference to indicate the unchanged copy". Kuroda is cited as teaching "in response to an instruction to write to the removable storage medium, writing any designated resources and any unchanged copies indicated by the stored references". However, Sexton, Stewart, and Kuroda provide no suggestion as to an operating system that manages resources.

Applicants respectfully request that the §103 rejection of claim 46 be withdrawn.

Dependent claim 47 is allowable by virtue of its dependency on base claim 46. Applicants respectfully request that the §103 rejection of claim 47 be withdrawn.

CONCLUSION

All pending claims 1-9, 11-47 are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the subject application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Dated: 6/9/05

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